



## TITLE 3 – BUSINESS LICENSING

### CHAPTER 3 SPECIAL EVENTS LICENSING Ordinance No. 08-017

#### 3-3- 1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT**. The person, or groups of people, who are or are the organizer(s) of a Special Event and with whom the responsibility for conduct of the event lies. The Applicant signs the Special Events License application and all other documents relevant to the event. If an organization intends to sponsor a Special Event, an individual shall represent the organization and act as the Applicant.

(B) **CONCESSION**. A privilege to sell food, beverages, souvenirs, gifts, artwork or copyrighted or event memorabilia and general merchandise at a licensed event.

(C) **FEES**. Charges assessed by Brian Head Town for staffing, inspections, public employees, or public equipment assessed to an event and established within the Special Event licensing process.

(D) **LICENSEE**. The Applicant, as defined above, becomes the "licensee" when the Special Event License is signed and issued by the Licensing Officer, upon meeting all the criteria in this Chapter. As the license holder, the Licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

(E) **VENDOR**. Any person, group or business that transacts business within the Town limits on a temporary basis during a Special Event.

#### 3- 3- 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

It is unlawful for any person to conduct a Special Event with or without charge for admission, on public or private property, without first applying for and being granted a Special Event License for the specific event and its venue(s). All licenses issued pursuant to this Title are non-transferable and expire at the completion of the given event or upon revocation, whichever is earlier.

#### 3- 3- 3. RENEWAL OF LICENSES.

Licensees under the provisions of this Chapter who successfully operate a Special Event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis must renew each Special Event License as provided herein. Events which occur in series such as concerts, falling under the criteria established in this Chapter, must have a Special Event License which specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

#### 3- 3- 4. SPECIAL EVENT LICENSE APPLICATION PROCEDURE.

1 (A) **APPLICATION SUBMITTAL**. Applications for Special Events shall be made in writing to the  
2 Licensing Officer. Application materials are available at Town offices and must be completed and  
3 submitted to the Licensing Officer not less than thirty (30) days prior to the scheduled opening of any  
4 Event, unless otherwise approved by the Town Manager upon a showing of good cause.

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6 (B) **LICENSING OFFICER REVIEW**. The Licensing Officer of Brian Head Town shall review and  
7 either approve, approve with conditions, or deny the following applications:

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9 (1) Applications for new Special Events; and

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11 (2) Applications for Special Events License renewals where material elements of the event have  
12 substantially changed from the previous application.

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14 As used herein, a "new Special Event" shall mean any Special Event being proposed for the first time, or a  
15 prior event which was not renewed for a period exceeding one year. The Licensing Officer shall review  
16 applications for compliance with the standards for license approval described herein as follows:

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18 (a) **Staff Review and Recommendation**. Upon receipt of a completed Special Events License application,  
19 the Licensing Officer shall review the application for compliance with Section 3-3-5 herein. The Licensing  
20 Officer shall subsequently return a copy of the application to the Applicant with a written decision that that  
21 approves as is, approves with changes and/or conditions, or denies the application and states the cause for  
22 denial. Incomplete applications will be returned to the Applicant and noted accordingly. Written notice of  
23 the Town's decision shall be delivered to the Applicant within a reasonable time from the date of decisions.

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25 Any Applicant whose application has been administratively denied may appeal the decision to the Hearing  
26 Officer by filing a written request to the Town Clerk within ten (10) days of the date of decision.

### 27 28 **3- 3- 5. STANDARDS FOR LICENSE APPROVAL.**

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30 Applications for Special Events shall be reviewed for compliance with any State, Federal and other Town  
31 Ordinances and the standards provided herein. The Licensing Officer or Town Manager may prohibit or  
32 restrict any Special Event whenever any of the following conditions is found likely to occur, unless the  
33 event is modified to eliminate said condition:

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35 (A) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public  
36 transportation or other vehicular and pedestrian traffic in the area of its venue.

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38 (B) The conduct of the event will require the diversion of so great a number of police, fire, or other  
39 essential public employees from their normal duties as to prevent reasonable police, fire, or other public  
40 services protection to the remainder of the Town.

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42 (C) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police,  
43 fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or  
44 safety services.

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46 (D) The event will substantially interfere with any other Special Event for which a license has already been  
47 granted or with the provision of Town services in support of other such events or governmental functions.

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49 (E) Where applicable, the Applicant fails to provide the following:

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51 (1) the services of a sufficient number of traffic controllers, signs or other Town required barriers  
52 or traffic devices along with a traffic control plan submitted for review;

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54 (2) monitors for crowd control and safety;

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56 (3) safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure  
57 that the event will be conducted without creating unreasonable negative impacts to the area and with due

1 regard for safety and the environment;

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3 (4) adequate off-street parking, shuttle service, or both where necessary to minimize substantial  
4 adverse impacts on general parking and traffic circulation in the vicinity of the event;

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6 (5) required insurance, cash deposit, or other security; or

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8 (F) The event created the imminent possibility of violent disorderly conduct likely to endanger public  
9 safety or cause significant property damage.

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11 (G) The Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms  
12 and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the  
13 law or the terms of a license, or both.

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15 (H) The Applicant has not obtained the approval of any other public agencies, including the Brian Head  
16 Town Fire Department, within whose jurisdiction the event or a portion thereof will occur.

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19 **3- 3- 6. CONFLICTING LICENSE APPLICATIONS.**

20 (A) No more than one (1) Special Event shall be approved for the same date(s) unless the Licensing Officer  
21 or Designee finds that the events will not adversely impact one another and that concurrent scheduling of  
22 the events will not adversely impact the public health, safety, and welfare of the Town. In making this  
23 determination, the Licensing Officer or Designee will apply the following criteria:

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25 (1) Geographic separation of the events;

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27 (2) Proposed time and duration of the events;

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29 (3) Anticipated attendance volumes;

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31 (4) Necessity for public personnel, equipment, and/or transportation services at the events; and

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33 (5) Anticipated traffic and parking impacts.

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35 (B) When more than one Special Event application is received for the same date(s), and the Licensing  
36 Officer finds that the events will adversely impact one another, or concurrent scheduling of the events will  
37 adversely impact the public health, safety, and welfare, the Licensing Officer shall resolve the conflict as  
38 provided herein. The Licensing Officer shall first attempt to reach an agreement among the conflicting  
39 Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest.  
40 If no voluntary agreement is reached, then the Licensing Officer shall resolve the issue based on the  
41 following order or priorities:

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43 (1) Historic usage: Special Events where the same Applicant has been granted a license under this  
44 Chapter for use of a particular Town forum at a particular date, time, and place prior;

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46 (2) Events planned, organized, or presented by state, federal, or Town governmental entities or  
47 their agents shall have priority over conflicting applications if:

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49 (a) The application is timely filed and processed by the Town, and

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51 (b) Said governmental application is made in good faith and not with the effect or  
52 purpose of improperly chilling constitutional rights of conflicting applicants.

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54 (3) If neither subsection (1) nor (2) is applicable, or if (1) or (2) do not resolve the conflict, then  
55 the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open  
56 dates on the Town's events calendar.

### 3- 3- 7. LICENSES NECESSARY FOR A SPECIAL EVENT LICENSE

Where applicable, the Applicant/Licensee shall provide to the Licensing Officer proof of valid Special Event temporary liquor or beer license, health department permit, fireworks permit, and building permit as applicable, as well as a receipt acknowledging that all application fees have been paid. The Licensee must obtain all other permits required by law for any temporary structure constructed under the provisions of a Special Event License and must pass all inspections as a condition precedent to a valid Special Event License. Unless otherwise approved by the Licensing Officer or Designee, all concessions require a temporary mobile vendor license.

### 3- 3- 8. FEES TO BE ASSESSED.

(A) **APPLICATION FEE.** All Special Event vendor applications shall not be assessed a fee. All Special Event Coordinators applications whether a new application or renewal applications shall be assessed a fee according to the Consolidated Fee Schedule. Special Event Coordinator application fees are due and payable upon submission of a completed application. Special Event Coordinator applications shall be considered incomplete unless and until the application fee is paid in full.

(B) **TOWN SERVICE FEES.** Upon receipt of a completed Special Event application, the Licensing Officer will provide the Applicant with an estimate of fees based on estimated costs for Town services arising from the event, including but not limited to the use of Town personnel and/or equipment, Town transportation services, inspections, and user fees. A final assessment of Town's costs will occur upon completion of the Special Event. All Town service fees will be adjusted to reflect actual cost. Unless waived, all Town service fees must be paid in full within thirty (30) days of the final assessment of Town's costs for the Special Event.

(C) **FINANCIAL SECURITY.** The Licensing Officer is authorized to require an Applicant to post a cash deposit or other security accepted by the Town for all estimated contingent costs prior to the issuance of a Special Event License, as a guarantee against fees, damages, clean up, or loss of public property. The Town shall submit estimation based on the Special Events Coordinator's requests for Town services to the Special Events Coordinator prior to the Special Event. Costs that exceed the estimation given by the Town shall be authorized by the Special Events Coordinator for additional costs.

### 3-3-9. FEE WAIVERS.

(A) The Town Manager may waive the following Special Event licensing and associated fees upon a finding of eligibility pursuant to the criteria provided herein:

- (1) Application fee.
- (2) Town shuttle service charges.
- (3) Equipment usage above and beyond reasonable use charges.

(B) All fee waiver requests should be submitted to the Licensing Officer within ten (10) days of the date of application. Fee waiver requests shall be reviewed and approved/denied by the Town Manager. Fee waiver determinations made by the Town Manager may be appealed to the Town Council. Eligibility for a full or partial fee waiver shall be determined by the Town Manager pursuant to the following criteria, none of which shall be individually controlling:

- (1) for-profit or non-profit status of the Applicant;

- (2) whether the event will charge admission fees;
- (3) whether the event is youth-oriented;
- (4) the duration of the event;
- (5) whether and to what extent the Town is likely to receive positive tax benefits by virtue of the event;
- (6) the degree of Town services involved and whether Town costs are likely to be recovered by other revenue opportunities arising from the event;
- (7) the season of occurrence; and
- (8) demonstration of hardship by the Applicant.
- (C) Approval of a fee waiver for any application shall not create a precedent for future requests.

### **3- 3-10. INSURANCE REQUIREMENTS.**

In the event that a Special Event, or any portion thereof, is to take place on any real property owned or leased by the Town, or will use any equipment, supplies, personal property owned or leased by the Town, or will require the use of any Town personnel and employees in their capacity as employees of the Town, including emergency and police personnel, or will in any way result in a disruption of any Town public right-of-way or traffic flow. Applicants shall provide upon application for a Special Event License proof of liability insurance in the amount of one million dollars (\$1,000,000.00) or more as may be required by the Licensing Officer or their Designee, and shall further name Brian Head Town Municipal Corporation as additional insured. All applicants shall further indemnify and defend the Town from any claim, suit, or judgment of liability arising out of injury to person or property occurring at the event, except for any claim, suit, or judgment arising out of the sole gross negligence or intentional torts of the Town or its employees.

### **3- 3-11. RUNS, WALKS, RACES, FILM-MAKING, AND PROMOTIONS.**

Runs, walks, races, film-making, parades, public demonstrations, and promotions shall be considered Special Events unless such event does not create substantial public impact or requires substantial Town service. For-profit corporations falling under the provisions of this Chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

### **3- 3-12. CRIMINAL PENALTY.**

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Special Events without having first obtained a Special Event License are subject to a Class B misdemeanor and the event is subject to closure.

### **3- 3-13. REVOCATION FOR CAUSE; NOTICE TO CURE.**

#### **(A) NOTICE TO CURE.**

If the Licensing Officer or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the Licensee, sponsor, or designated organizer's representative of the Special Event to cure the violation.

#### **(B) FAILURE TO CURE.**

1 It is unlawful for the Licensee, sponsor, or on-site organizer's representative of an authorized Special Event  
2 to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful  
3 for any participant or spectator to fail to comply with lawful directions issued by any sworn law  
4 enforcement officer or by the Licensee, sponsor, or on-site organizer's representative to cure their violation  
5 of this Chapter.

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7 **(C) CLEAR AND PRESENT DANGER.**

8 If a sworn law enforcement officer determines, after consultation with the Public Safety Director or the  
9 Public Safety Director's designee, that any failure to cure a violation of this Chapter creates a clear and  
10 present danger of immediate significant harm to life, public safety, or property which cannot be reasonably  
11 mitigated by increased public safety enforcement and which, on balance, outweighs the benefits to the  
12 organizers or participants of the Special Event, the Licensee, sponsor, or on-site organizer's representative  
13 of the Special Event shall be promptly notified that the license is revoked and that the Special Event must  
14 immediately cease and desist.

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16 **(D) VIOLATION OF CEASE AND DESIST ORDER.**

17 If a license is revoked as specified in subsection (C) above, then it shall be unlawful for any person to fail  
18 to obey the order to cease and desist from illegal activities.